

### **Remarks**

The Office mailed the present Office Action on April 24, 2007. At the issuance of the Office Action, claims 1-10 were pending with each being rejected by the Office. The applicant submits that this preliminary amendment is fully responsive to the issues raised in the Office Action and that the claims, as presently before the Office herein, are in condition for allowance. The applicant respectfully requests the Office's consideration of the presented claims and the accompanying remarks.

### ***Summary of Interview***

The Office hosted a telephone interview with the applicant's attorney on July 19, 2007. The majority of the conversation focused on United States Patent Number 6,843,723 awarded to Joshi on January 18, 2005. The applicants contended that the invention recited in claim 1 was distinguished from Joshi. At the conclusion of the interview, the Office agreed that amending claim 1 to indicate that the promotional event presented by the controller box is separate and distinct from the underlying video game presented by the processor of the video gaming machine would distinguish the present invention from Joshi. The applicants contended that claim 1 as previously presented did accomplish this task but, nonetheless agreed to further amend claim 1 to ensure that this distinguishing aspect of the claim was clearly recited. The Office agreed that changing the motif of the underlying game was not the same as presenting a promotional event that was separate from the underlying game. Further, the Office agreed that presenting a bonus game that supplants the underlying game, as described in Joshi, is not the same as the claimed invention.

### ***Claim Rejections – 35 USC § 103***

The Office has rejected claims 1-10 under 35 U.S.C. 103(a) alleging that they are unpatentable over United States Patent Number 6,843,723 to Joshi in view of United States Patent Number 6,682,432 to Brosnan et al. The applicant respectfully submits that the above-presented amendments overcome this rejection. The applicant respectfully submits that the previous version of the claims are also allowable for the reasons cited in the March 13, 2007 response. However, in the interest of gaining allowable claims, the applicant has agreed to

amend the claims as presented herein. Therefore, the arguments previously submitted by the applicant are still believed to be valid and the applicant does not concede that the Office's position in the Action are correct.

The amendments to claim 1 clearly show that the present invention presents a promotional event on the display of the video gaming machine in a manner that does not disrupt play of the underlying game that is presented by the main processor. The controller box independently presents the promotional event but monitors the activity of the underlying game. If a particular event occurs in the underlying game, it may trigger a winning event in the simultaneously presented promotional event or game.

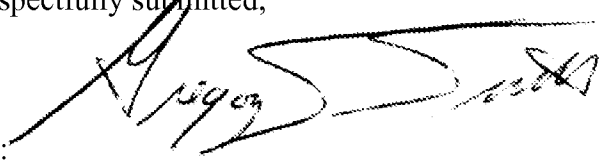
Thus, the applicant's respectfully submit that the cited references do not describe, suggest or teach each and every element of the claimed invention either alone or in combination and as such, cannot be used as the basis of an obviousness type rejection.

Regarding claims 2-10, these claims depend either directly or indirectly from claim 1, and as such, are also in condition for allowance.

### Conclusion

Applicant respectfully submits that the currently pending claims are in condition for allowance and respectfully requests the Office's consideration. If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

By: 

Gregory Scott Smith  
Reg. No. 40,819  
Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha, LLC  
PO Box 88148  
Atlanta, Georgia 30356  
(404) 643-3430